Supreme Court, U.S.
FILED
MAY 26 1995
CLERK

CASE NUMBER 94-1761

IN THE SUPREME COURT FOR
THE UNITED STATES
OCTOBER 1994

IN THE MATTER OF ROBERT K. HUDNALL

# PETITION FOR WRIT OF CERTIORARI TO THESUPREME COURT OF THE STATE OF GEORGIA

## PETITIONER'S REPLY BRIEF

ROBERT K. HUDNALL, PRO SE
P.O. BOX 7947
LAS CRUCES, NEW MEXICO 88006
(505) 522-1455

## REPLY BRIEF

The State Bar of Georgia (May 18, 1995) and the Supreme Court of the State of Georgia (May 10, 1995) have both chosen to submit letters in place of the Brief in Opposition required by **Rule 15 of the Supreme Court Rules.** Petitioner would make the following objections to these submissions.

**I. The Letters in question are inadmissible before this Court.**

Petitioner would show that Rule 15.5 contemplates only three possible responses by Respondents:

1. Brief in Opposition - These documents cannot be described as Briefs In Opposition as the documents do not comply with Rule 15.2, to wit:

a.) Do not comply with Rule 33 and 24 as to form and content.

b.) Were not served as required by Rule 29.

2. Motion for Extension of Time - This Motion is allowed by **Rule 13.6 and Rule 30 of the Supreme Court Rules,** however, this request was not made in either of the documents in question. Additionally, under the provisions of Rule 21.1 "Every motion to the Court shall clearly state its purpose and the facts on which it is based . . ." This Rule has clearly been violated if these documents purport to be motions.

3. Express Waiver of the Right to File - Of the possible selections, this one is the closest to what the documents convey based on the language. In both documents, in the last paragraph, it is stated:

"We do not intend to file a brief unless the Court deems that a response in appropriate."

Therefore, Petitioner would argue that these documents constitute express waivers of the right to file a brief in this case.

**II. The Letter Submissions of Both Parties are in violation of Rule 15.2 and Rule 33 of the Supreme Court Rules and thus Inadmissible For Any Purpose except as waivers of the Right to File.**

Under the provisions of Rule 33.1(a) "Except for papers permitted by rule 21, 22 and 39 to be submitted in typewritten form, every document filed with the court must be printed by a standard typographic printing process of typed and reproduced by offset printing, photocopying . . ."

Subparagraph 33.1(d) further states: "Whether printed under subparagraph (b) or (c) of this paragraph, every document must be produced on opaque, unglazed paper 6 1/8 by 9 1/4 inches in size, margins at least three-fourths of an inch on all sides."

Therefore, the documents in question do not meet the Rules for filings documents and are inadmissible before this Court. At best, the documents do convey an express waiver of the right to file.

**III. The Documents in Question are in Violation of Rule 15.4 of the Supreme Court Rules.**

Both letters make reference to the fact that the writers do not believe that the Petition merits review by the Supreme Court. This is tantamount to stating that the Petition should be dismissed. However, in Rule 15.4, the Rules for the Supreme court very clearly states that "No motion by a respondent to dismiss a petition for a writ of certiorari will be received. Objections to the jurisdiction of the Court to grant a writ of certiorari may be included in the brief in opposition."

Therefore, the documents in question are improper in that they attempt to address jurisdiction and make what passes for a motion to dismiss.

**IV. The Documents, in and of Themselves, Are in Violation of Rule 15.1 of the Rules of the Supreme Court.**

Each document makes the same statement, that "if the Court deems it appropriate, Briefs in Opposition will be

filed."

Petitioner would submit that this question was answered in **Rule 15.1**, to wit: "Counsel are admonished that they have an obligation to the Court to point out any perceived misstatements in the brief in opposition, and not later. Any defect of this sort in the proceedings below that does not go to jurisdiction may be deemed waived if not called to the attention of the court by the respondent in the brief in opposition."

Therefore, Petitioner would submit that one does not engage the Supreme Court of the United States in conversation, nor ask its' advice regarding filings, but rather complies with the Rules so promulgated by the Court.

**V. The Supreme Court of the State of Georgia was Named Through the Naming of its' Administrative Arm, the State Bar of Georgia.**

In its' letter, the Supreme Court of Georgia stated that since Petitioner had not named the court as a defendant, that they really had no place in this action.

Petitioner would submit that as a matter of Georgia law, the Supreme Court of Georgia is responsible for the actions of the State Bar of Georgia.

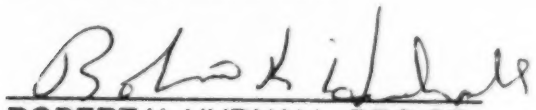
Petitioner did not specifically name the Supreme court of Georgia due to the supposed judicial immunity enjoyed by the Court for Judicial matters. However, this attorney disciplinary matter was jointly handled by the State Bar and the State Supreme Court. However, the State Supreme Court bears the legal responsibility for violations committed by the State Bar as a matter of law.

## CONCLUSION

Petitioner would submit that the documents in question are not admissible before this Court as anything other than expressions of an intent to waive the right to file any type of brief. Therefore, Petitioner would submit that only that portion of the documents that deals with the waiver, (the last paragraph of each letter) should be submitted

before the Court. All of their other insinuations and false arguments should be ignored.

Respectfully Submitted,



ROBERT K. HUDNALL, PRO SE